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June 5, 2013

ECF

Honorable William J. Martini,
United States District Court Judge
United States District Court for the District of New Jersey
Frank R. Lautenberg U.S.P.O. & Courthouse
1 Federal Square
Newark, NJ 07102

**Re: In the Matter of the Complaint of SeaStreak, LLC, as Owner of
SeaStreak Wall Street for Exoneration from or Limitation of Liability
13-CV-00315(WJM)(MF)**

Dear Judge Martini:

We, along with Mr. Gino A. Zonghetti, represent Petitioner SeaStreak, LLC, in the above reference limitation of liability proceeding and write to advise your Honor of the filing of a complaint in violation of the Court's January 16, 2013 Order.

By Order dated January 16, 2013, Your Honor directed that all claims against Petitioner must be filed in the referenced proceeding and that all other actions against the Petitioner were restrained, stayed and enjoined. Further, Your Honor ordered that all claims were to be filed by May 16, 2013. We recently became aware that on May 21, 2013, five (5) days after the monition period for the filing of claims in the referenced limitation proceeding was closed, Mr. Christopher Cornette commenced a separate action assigned to Your Honor entitled *Christopher Cornette v. SeaStreak Ferry, 13-cv-3221*.

For the reasons stated above we object to the commencement of the action and will address the matter more fully at the conference scheduled for June 13, 2013. A copy of the Court's Order dated January 16, 2013 and Mr. Cornette's Complaint are attached hereto.

June 5, 2013

Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read "William R. Bennett, III". The signature is fluid and cursive, with the last name "Bennett" being the most prominent part.

William R. Bennett, III

- and -

Gino A. Zonghetti, Esq.
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Hackensack, NJ 07601
(201) 488-6655

To: All Counsel via ECF

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New Jersey Resident Partner

Jeremy J.O. Harwood, Esquire (*to be admitted pro hac vice*)

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-and-

KENNY & ZONGHETTI, LLC

Gino A. Zonghetti, Esquire

P.O. Box 508

Saddle River, NJ 07458

(973) 624-7779

Attorneys for Plaintiff, SEASTREAK, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

In the Matter of the Complaint

of

SEASTREAK, LLC, as Owner of the Vessel
SEASTREAK WALL STREET for
Exoneration from or Limitation of Liability

CIV NO: 13-315(WJM)

**ORDER APPROVING
PETITIONER'S STIPULATION
FOR VALUE, DIRECTING ISSUE
OF NOTICE, RESTRAINING
SUITS AND DIRECTING THE
FILING OF CLAIMS**

A Verified Complaint having been filed herein on January 16, 2013 by Petitioner SeaStreak, LLC ("Petitioner"), Owner of the Vessel SEASTREAK WALL STREET, for exoneration from or limitation of liability, pursuant to 46 U.S.C. § 30501 et seq. (previously codified as 46 App. U.S.C. §§ 183, 189) and Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal

Rules of Civil Procedure (“Supplemental Rules”) for any claims of damage or injury arising during the voyage of ferry boat SEASTREAK WALL STREET on January 9, 2013 commencing at approximately 8:40 a.m. from Atlantic Highlands, NJ to Pier 11, New York, NY, as more fully described in the Verified Complaint;

AND the Verified Complaint having stated that the value of the Petitioner’s interest in said vessel SEASTREAK WALL STREET did not exceed Seven Million Six Hundred Thousand Dollars (\$7,600,000.00) on the date of the claimed incident;

AND the Petitioner having filed with the Court an Interim Stipulation for Value in the amount of Seven Million Six Hundred Thousand Dollars (\$7,600,000.00) for the benefit of claimants, executed on January 16, 2013 by The Steamship Mutual Underwriting Association Limited, equal to the amount of value of Petitioner’s interest in the said vessel, with interest at 6 percent per annum from the date hereof.

NOW, on motion of Blank Rome LLP and Kenny & Zonghetti, LLC, attorneys for Petitioner, it is

ORDERED that the above-described Ad Interim Stipulation for Value, filed by the Petitioner with the Court for the benefit of claimants, in the sum of Seven Million Six Hundred Thousand Dollars (\$7,600,000.00), with interest as aforesaid, as security for the amount of Petitioner’s interest in SEASTREAK WALL STREET, be and hereby is approved, and

IT IS FURTHER ORDERED that a Notice, a copy of which is attached hereto, shall be issued by the Clerk of this Court to all persons asserting claims with respect to

which the Verified Complaint seeks exoneration from or limitation of liability admonishing them to file their respective claims with the Clerk of this Court, in writing, and to serve on the attorneys for Petitioner a copy thereof on or before the May 16, 2013 or be defaulted, and that if any claimant desires to contest either the right to exoneration from liability or the right to limitation of liability, such claimant shall file and serve on the attorneys for the Petitioner an Answer to the Verified Complaint on or before the said date, unless the claims have included an Answer to the Complaint, so designated, or be defaulted, and

IT IS FURTHER ORDERED that the aforesaid Notice shall be published in the New York Law Journal newspapers published in New York, New York, and the New Jersey Law Journal and Newark Star Ledger newspapers published in New Jersey, once a week for four (4) weeks before the return date of said Notice, as provided by the aforesaid Rule F of the Supplemental Rules and copies of said Notice shall be mailed by Petitioner in accordance with Rule F of the Supplemental Rules to every person known to have any claim against the vessel or Petitioner, or to their attorney, and

IT IS FURTHER ORDERED that the further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution thereafter of any and all suits, actions, or proceedings of any nature and description whatsoever in any Court of any jurisdiction, or otherwise, against Petitioner, and the taking of any steps and the making of any motion in such actions, suits or proceedings against the Petitioner, or against the agents, representatives, or insurers of the Petitioner

or SEASTREAK WALL STREET except in this action, to recover damages for or in respect to any loss, damage or injury caused by or resulting from the aforesaid incident, as alleged in the Verified Complaint, be and they hereby are restrained, stayed and enjoined until the hearing and determination of this action, and all warrants of arrest and/or attachment issued in such other suits, actions or legal proceedings be and the same are hereby dissolved and further warrants of arrest and/or attachment are hereby prohibited.

IT IS FURTHER ORDERED that service of this Order as a restraining order be made through the Post Office by mailing a conformed copy thereof to the person, or persons or claimants to be restrained, or to their respective attorneys.

Dated: January 16, 2013


U.S.D.J.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEWARK

-----X

Christopher Cornette

Plaintiff

Claim and Complaint for Personal Injuries

-against-

SeaStreak Ferry

Defendant

-----X

RECEIVED
MAY 21 2013
AT 8:30
WILLIAM T. WALSH, CLERK

Plaintiff Christopher Cornette, alleges the following claim against the above defendant:

JURISDICTION AND VENUE

1. This is a case for personal injuries arising out of Maritime Jurisdiction and is a claim within the meaning of F.R.C.P 9(h). The location of the incident was navigable waters and occurred during maritime activity. Venue is proper in this court. Defendant operates its ferry service in the waters between New York and New Jersey and the accident occurred at the landing pier in New York.

PARTIES

2. Plaintiff Christopher Cornette , resident of New Jersey, was injured in an accident involving a ferry boat of defendant on January 9, 2013.
3. Defendant Seastreak was the owner and operator of the ferry involved in the accident.

ALLEGATIONS OF CLAIM

4. On or about January 9, 2013 plaintiff was a passenger of a SeaStreak Ferry ferry boat when, through the negligence of the owner and/ or operator the ferry collided with the pier at which it was attempting to land.

5. At the time of that collision plaintiff was a passenger on the ferry and was preparing to disembark. As the ferry was approaching the pier, through negligent mechanical failure and/or negligent operation by the crew the ferry came into violent collision with the pier.

6. This collision caused personal injury to plaintiff and as a result has been caused medical expense; loss of income and pain and suffering.

7. Defendant's negligent acts including negligent repair and operation of the ferry were the direct and proximate cause of plaintiff's injuries and such injuries were the foreseeable result of defendant's actions.

8. Defendant violated numerous section of applicable stature including 33 U.S.C Section 2005

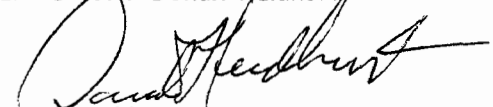
9. Defendant negligently operated the ferry in that it failed to bring the ferry to a safe stop at the landing pier.

10. Defendant negligently repaired and maintained the ferry such that the mechanisms to slow and stop the ferry while approaching the pier failed and/or malfunctioned.

11. The personal injuries sustained as a result of these negligent actions of defendant were foreseeable and proximately caused by the negligence of defendant.

WHEREFORE , plaintiff demands damages against defendant in amounts consistent with proof at trial for past, present and future pain and suffering; past present and future medical expenses; past present and future loss of income and for such other and further relief as is appropriate.

Law Office of Donald Neidhardt



Donald Neidhardt

PO BOX 27

Lanoka Harbor, NJ 08734

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Christopher Cornette

(b) County of Residence of First Listed Plaintiff **Monmouth**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Donald Neidhardt
PO Box 27
Lanoka Harbor, NJ 08734

DEFENDANTS

Seastreak

County of Residence of First Listed Defendant **Monmouth**
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

RECEIVED
MAY 21 2013
WALSH CLERK

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input checked="" type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
F.R.C.P. 9(h)

Brief description of cause:

Negligence causing personal injury

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE
05/10/2013

SIGNATURE OF ATTORNEY OF RECORD

Donald Neidhardt

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____